

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

City of Chicago,

Plaintiff,

v.

DoorDash, Inc. and Caviar, LLC,

Defendants.

Civil Action No. 1:21-cv-05162

Honorable Jeremy C. Daniel

**DEFENDANTS' FED. R. CIV. P. 56(D) MOTION TO DENY OR DEFER
RULING ON PLAINTIFF'S MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56(d), Defendants DoorDash Inc. and Caviar, LLC ("DoorDash") hereby moves this Court to deny the Motion for Partial Summary Judgment on Defendants' Fifteenth Affirmative Defense (Due Process) Dkt. 207, 207-1 ("MSJ") filed by Plaintiff City of Chicago (the "City"), or in the alternative, defer ruling on the MSJ until after the scheduled April 1, 2024 close of discovery.

As set forth in DoorDash's accompanying memorandum of law, and supported by the concurrently filed Fed. R. Civ. P. 56(d) affidavit of Michael Holecek and declaration of Elizabeth McCloskey, the City filed its MSJ before DoorDash could obtain information in discovery material to its fifteenth affirmative defense. DoorDash respectfully requests the Court deny or defer ruling on the City's MSJ until after the scheduled April 2024 close of discovery so that DoorDash can obtain and present facts essential to justify its opposition to the City's MSJ.

The City opposes this motion. The parties have discussed and agreed to a proposed briefing schedule, and propose that the City's response be due on October 26, 2023, and that DoorDash's reply be due on November 30, 2023.

DATED: September 28, 2023

Respectfully submitted,

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